Ethics Briefing for Special Government Employees Serving on NASA Advisory Committees

Service on NASA Advisory Committees

- Appointment as Special Government Employee (SGE)
- Defined at 18 U.S.C. 202(a)
 - Anyone who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for a period not to exceed 130 days out of any 365 days
 - Includes advisory committees

SGE Ethics Rules

• Ethics Principles:

- Public service is a public trust
- May not have conflicting financial interests
- May not improperly use nonpublic information
- Avoid even the appearance of impropriety

Status as SGE

- Equivalent to being an insider
- Subject to civil service ethics rules
- Subject to post-employment restrictions

Representational Conflicts 18 U.S.C 203 & 205

- Prohibits representational activities before the Government
- Applies to SGEs only if:
 - Matter involves parties (e.g., contracts)
 - SGE was personally and substantially involved in the particular matter as part of Government service, or
 - SGE served more than 60 days in the previous 365, and matter is pending before the same agency

Financial Conflicts 18 U.S.C. 208

- Prohibits involvement in a particular matter in which the SGE, employer, or spouse or dependent child has a financial interest:
 - An employee is disqualified
 - from participating personally and substantially
 - in any particular matter in which
 - the employee, or anyone whose interests are imputed to the employee, has a financial interest,
 - if the particular matter will have a direct and predictable effect on that interest.

Post-Employment Restrictions 18 U.S.C. 207

- Permanently prohibits a former employee
- from making, with intent to influence, any communication to the United States,
- on behalf of any other person
- in connection with a particular matter in which the United States is a party or has a substantial interest,
- if the employee was personally and substantially involved in the matter.

Standards of Conduct

- Gift Rules
 - Anything having monetary value
 - Prohibited Sources
 - Official Position
- Exceptions
 - Outside business activities
 - Personal relationships
 - \$20/\$50 rule

NASA Ethics Officials

- Michael C. Wholley, General Counsel
 - Designated Agency Ethics Official
- R. Andrew Falcon
 - Alternate Designated Agency Ethics Official
- Headquarters Ethics Team
 - Rebecca Gilchrist, Adam Greenstone, Katie Spear
 - (202) 358-2465 or <u>ethicsteam@hq.nasa.gov</u>
- Center Chief Counsel
 - Deputy Ethics Officials